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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,849	12/23/2005	Jakob Skarin	1507-1031	5851
<div>466                      7590                      03/03/2009</div> <div>YOUNG &amp; THOMPSON</div> <div>209 Madison Street</div> <div>Suite 500</div> <div>ALEXANDRIA, VA 22314</div>				
<div>EXAMINER</div> <div>REYNOLDS, STEVEN ALAN</div>				
<div>ART UNIT                      PAPER NUMBER</div> <div>3728</div>				
<div>MAIL DATE                      DELIVERY MODE</div> <div>03/03/2009                      PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/538,849

**Applicant(s)**

SKARIN, JAKOB

**Examiner**

Steven Reynolds

**Art Unit**

3728

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☒ Claim(s) 2, 3 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to the reply filed on 12/3/2008, wherein claims 1-3 were amended; and claims 4-6 were added. Claims 1-6 are pending.

***Claim Rejections - 35 USC § 102***

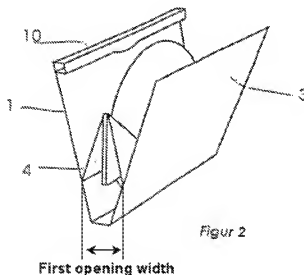
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

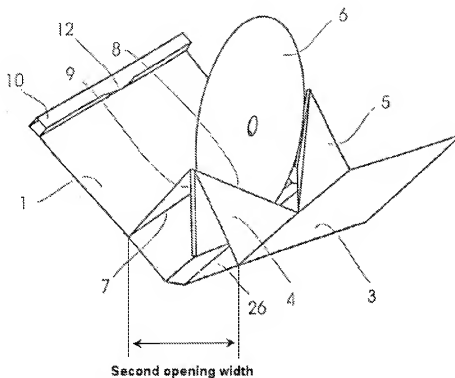
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Thiele et al (DE 19728263). Thiele discloses a package for a disc, comprising an outer envelope (1/3) folded at a fold line to constitute a cover protecting a disc; and an inner envelope (defined by 4/5/7/8) having a proximal end connected to said outer envelope adjacent to said fold line, said inner envelope being made from carton, paper, plastic, or corrugated board, said inner envelope is capable of supporting and partly enclosing a disc, said inner envelope comprises at least one open space delimited laterally by a double fold (fold line at 32 on panels 7 and 4) on each side of a distal end of said inner envelope, the open space being immediately adjacent to a triangular portion (section 5 is considered a triangular portion –See second figure shown below) of the inner envelope, said triangular portion having a base (portion of 5 at fold line 34) parallel with the fold line of the outer envelope, wherein when said outer envelope is in a closed

position and up to substantially a half open position of the package said open space has a first opening width (See figure shown below) defined between the double folds with said double folds converging in a direction towards each other in order to retain a disc in the space,



and during the continued opening of the package and up to a totally opened position said open space has a second opening width (See figure shown below), which is greater than said first opening width in order to enable a disc to be removed from the space.



Regarding claim 4, Thiele discloses a package for discs, comprising: an outer envelope (1/3) folded at a fold line to form a cover for protecting a disc; and an inner envelope (defined by 4/5/7/8) having a proximal end connected to said outer envelope adjacent to said fold line, said inner envelope comprises at least one open space delimited laterally by first and second portions (at 7 and 4 – See second figure shown above) of a distal end of said inner envelope, the open space being immediately adjacent to a triangular portion (at 5 – See Fig. 1) of the inner envelope, said triangular portion having a base parallel with the fold line of the outer envelope, wherein when said outer envelope is in a closed position, said first and second portions converge in a direction towards each other so as to have a width that is less than a width of said base of the triangular portion (See first figure above), and when the outer envelope is in an

opened position, part of said first and second portions laterally extend beyond said width of said triangular portion (See second figure above).

### ***Allowable Subject Matter***

4. Claim 6 is allowed.
5. Claims 2, 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

6. Applicant's arguments filed 12/3/2008 have been fully considered but they are not persuasive. Applicant argues Thiele does not disclose converging double walls. Contrary to applicant's argument, double walls 4 and 7 converge toward one another as the outer envelope is closed. Applicant argues that the width of the opening does not appear to change. Contrary to applicant's arguments, a width of Thiele changes when the outer envelope is opened/closed, as shown in the first and second figures above.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Reynolds whose telephone number is (571)272-9959. The examiner can normally be reached on Monday-Friday 9:30am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. R./  
Examiner, Art Unit 3728

/Mickey Yu/  
Supervisory Patent Examiner, Art

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